

FILED

DEC 09 2009

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION

DAVID CREWS, CLERK
By Stinson
Deputy

CAROLYN JO FREDERICK,

PLAINTIFF

VERSUS

NO. 1:09CV297-DD

ITAWAMBA COUNTY, MISSISSIPPI,
and KENNETH KNIGHT

DEFENDANTS

JURY TRIAL DEMANDED

COMPLAINT

This is an action to recover actual damages for discharge in violation of First Amendment rights and for discharge in violation of public policy. The following facts support this action:

1.

Plaintiff, CAROLYN JO FREDERICK, is an adult resident citizen of 3931 Highway 178, Mooreville, Mississippi 38857.

2.

Defendant, ITAWAMBA COUNTY, MISSISSIPPI, is a political subdivision of the State of Mississippi. It may be served with process upon James E. Witt, the Chancery Clerk of Itawamba County, at 201 West Main Street, Fulton, Mississippi 38843.

Defendant, KENNETH KNIGHT, is an adult resident of Mississippi. He may be served with process at his place of employment, Itawamba County Jail, 201 South Cummings

Street, Fulton, Mississippi 38843.

3.

The court has civil rights jurisdiction under 28 U.S.C. § 1343 for a cause of action authorized by 42 U.S.C. § 1983. This Court also has jurisdiction over Plaintiff's state law claims.

4.

Plaintiff has filed a Notice of Claim, attached hereto as Exhibit "A," and received a denial, attached hereto as Exhibit "B."

5.

Plaintiff was employed by the Defendant as a jailor for approximately six years.

6.

During the latter part of Plaintiff's employment, however, Plaintiff incurred the animosity of the jail administrator, Defendant Kenneth Knight, who blamed Plaintiff for his being questioned by the sheriff concerning his relationship with a newly-hired female jailor, to whom Knight had given a preferred position.

7.

On July 10, 2009, at a sheriff's department meeting of jailors, Knight announced that physician-prescribed medication belonging to one prisoner would be taken from inmate Beebe, who was being transferred to the Mississippi Department of Corrections, and given to inmate Andrea Lozier. Beebe's medication (Amitriptyline-Elavil) was to be given to Lozier in order

to save the county the cost of the prescription. Such a transfer of a controlled substance is a felony.

8.

Plaintiff verbally protested the illegal drug transfer.

9.

Approximately one month later, on August 17, 2009, Plaintiff was fired on a pretextual, factually unsupported allegation that she had been paid by a professional bondsman (Matt Thornton) to provide business to Thornton.

10.

A proximate cause of Plaintiff's discharge was the fact that Plaintiff had protested the illegal activity concerning the transfer of the controlled substance. Additionally, a proximate cause of the discharge was malice and ill-will against Plaintiff by Defendant Knight, who held hostility toward Plaintiff arising out of his belief that Plaintiff had complained about his relationship with another female jailor.

11.

Plaintiff's discharge violated:

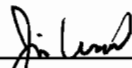
- A. Plaintiff's First Amendment right to free speech;
- B. Plaintiff's Mississippi public policy right to be free from discharge for reporting and opposing illegal criminal activities; and
- C. Plaintiff's right to be free from malicious interference with her employment for reasons of malice and ill-will.

REQUEST FOR RELIEF

Plaintiff requests actual damages against Defendant Itawamba County, Mississippi and actual and punitive damages against Defendant Knight. Plaintiff also requests reinstatement and reasonable attorneys' fees.

Respectfully submitted,

WAIDE & ASSOCIATES, P.A.

BY: _____
JIM WAIDE
MS BAR NUMBER 6857

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Attorneys for Plaintiff

**BEFORE THE SHERIFF OF ITAWAMBA COUNTY, MISSISSIPPI
AND BOARD OF SUPERVISORS OF ITAWAMBA COUNTY, MISSISSIPPI**

NOTICE OF CLAIM OF CAROLYN JO FREDERICK

Pursuant to Miss. Code Ann. § 11-46-11, et seq., notice is hereby given for a claim for damages by Carolyn Jo Frederick.

NATURE OF CLAIM

Claimant's claim is for damages and reinstatement because of discharge of Claimant, Carolyn Jo Frederick, in violation of public policy.

**STATEMENT OF THE FACTS AND
CIRCUMSTANCES WHICH CAUSED THE INJURY**

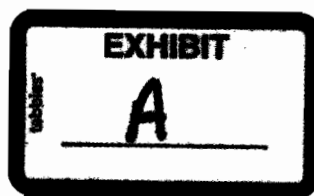
The circumstances giving rise to the claim are as follows:

Claimant, Carolyn Jo Frederick, was employed by Itawamba County, Mississippi as a jailor for approximately six (6) years. She was an outstanding jailor who was very diligent in her employment.

However, problems began to develop when the county hired as a jailor, Melanie McGregor, who was apparently a very close personal friend of jail administrator, Kenneth Knight.

Jail administrator, Kenneth Knight, relied upon McGregor and gave her a preferred position, putting her on the day shift and moving Claimant to the night shift.

The problem that led to Claimant's firing occurred on approximately July 10, 2009. On that date, a general meeting was held of the jailors, whereby it was announced that in order to save money, medication belonging to one inmate would be given to another inmate. Specifically, it was announced by jail administrator, Knight, that medication belonging to Anthony Beebe



(Amitriptyline/Elavil), an anti-depressant, would be taken from Mr. Beebe, who was being transferred to the Mississippi Department of Corrections and given instead to inmate, Andrea Lozier. This was done in order to save money.

Administrator, Knight, supported by McGregor, stated that this could be done, since it was the same medication. Claimant protested and said that she would not participate, and the medication belonging to one inmate could not legally be given to another inmate.

Approximately one month later on August 17, 2009, Claimant was fired from her employment. The excuse given for Claimant's being fired was a baseless charge that Claimant had been paid money by a professional bondsman. Specifically, the claim was made that Claimant had accepted money from professional bondsman, Matt Thornton, in order for Thornton to write bonds on some twenty-six people who were locked up in jail for underage drinking on August 10, 2009. The charge was baseless and the sheriff knew it was baseless, since he subsequently reinstated Matt Thornton to his job. The baseless charge that Claimant had accepted money from bondsman, Matt Thornton, was a pretext to fire Claimant.

The real reason for Claimant's firing was that she had protested the illegal criminal activity of giving medicine belonging to one inmate (Anthony Beebe) to another inmate (Andrea Lozier).

NATURE OF DAMAGES

Claimant suffered lost income and mental anxiety and stress from being fired from her job.

WITNESSES

The following persons are believed to have relevant knowledge concerning this incident:

1. Melanie McGregor
Deputy Sheriff Itawamba County
201 South Cummings Street
Fulton, Mississippi 38843;
2. Anthony Beebe, MDOC #149536
Delta Correctional Facility
D.C.F. C.E.
3800 CR 540
Greenwood, Mississippi 38930
3. Andrea Lozier
Itawamba County Jail
201 South Cummings Street
Fulton, Mississippi 38843;
4. Matt Thornton
A&A Bonding
401 East Sheffield Road
Fulton, Mississippi 38843
5. Kenneth Knight
Itawamba County Jail Administrator
201 South Cummings Street
Fulton, Mississippi 38843;
6. Chris Dickerson
Sheriff of Itawamba County
201 South Cummings Street
Fulton, Mississippi 38843;

TOTAL AMOUNT OF DAMAGES SOUGHT

Claimant is entitled to damages for lost income, plus a reasonable amount of damages for her mental anxiety and stress. The sum of \$25,000.00 for the mental anxiety and stress, plus her full back-pay, and reinstatement, would be adequate compensation.

**RESIDENCE OF CLAIMANT AT THE TIME OF THE INJURY
AND AT THE TIME OF FILING THE NOTICE**

Claimant's address at the time of the incident complained of and presently is Post Office

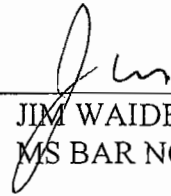
Box 324, 3931 Highway 178, Mooreville, Mississippi 38857.

This the 28 day of August, 2009.

Respectfully submitted,

WAIDE & ASSOCIATES, P.A.

BY: _____


JIM WAIDE
MS BAR NO. 6857

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Attorneys for Claimant

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BOARD OF SUPERVISORS

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PRESIDENT
District 4

CHARLES HORN
VICE-PRESIDENT
District 1

CECIL IKE JOHNSON
District 2

STEVE MOORE
District 3

RICKY JOHNSON
District 5



201 West Main Street
Post Office Box 776
Fulton, Mississippi 38843

JIM WITT
Chancery Clerk

GARY FRANKS
County Administrator

BO RUSSELL
Board Attorney

662-862-3421
662-862-5600
Fax 662-862-5600

lbyrd@itawambacomms.com

October 5, 2009

Jim Waide, Esquire
Waide & Associates, P.A.
Post Office Box 1357
Tupelo, MS 38802-1357

**VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

RE: Carolyn Jo Frederick/Itawamba County Sheriff and Itawamba County Board of Supervisors

Dear Mr. Waide:

This letter is in response to a Notice of Claim of Carolyn Jo Frederick sent certified mail by you to the Sheriff of Itawamba County, Mississippi, and the Board of Supervisors of Itawamba County, Mississippi, dated August 28, 2009. We have reviewed the Notice of Claim and factual allegations and legal claims included in the notice. The Sheriff and the Board of Supervisors of Itawamba County deny liability for any of the claims included in the Notice and expressly reserve all rights and defenses available to them under the Mississippi Tort Claims Act.

Sincerely,

A handwritten signature in black ink that reads "Danny Holley".

President – Itawamba County Board
of Supervisors

